

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DEBRA J. GENO,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-09-1305-HE
	)	
MICHAEL J. ASTRUE, Commissioner	)	
of the Social Security Administration,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff Debra J. Geno filed this case seeking judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying her application for disability insurance benefits and supplemental security income benefits. Pursuant to 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Bana Roberts, who recommended that the Commissioner’s decision be affirmed. Geno filed an objection to the Report and Recommendation, reasserting her argument that the Commissioner did not adequately consider the medical opinions from ‘other sources’—Ms. Angela Ridings and Ms. Misty Chaney.<sup>1</sup>

Geno filed her application for benefits in October 2007, and, when it was denied initially and on reconsideration, she requested a hearing before an administrative law judge (“ALJ”). After the hearing, the ALJ concluded that Geno was not disabled. When the

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<sup>1</sup>*Ms. Ridings, a counselor, and Ms. Chaney, a nurse practitioner, are not, as plaintiff concedes, considered “acceptable medical sources.” Plaintiff’s Brief [Doc. #14, p.5]. Medical opinions from such sources, however, should still be evaluated on certain issues. Soc. Sec. Rul. 06-03p, 2006 WL 2329939, at \*3 (Aug. 6, 2006).*


Appeals Council denied Geno's request for review, the ALJ's decision became the final decision of the Commissioner.

Geno continues to assert the ALJ did not give proper weight to the opinions of these other sources,<sup>2</sup> which, she claims, are proof of her inability to perform substantial gainful activity. Having given Geno's objections *de novo* review, the court agrees with the magistrate judge that the ALJ properly considered the medical opinions of Ms. Ridings and Ms. Chaney. [Tr. 18-19]. As the magistrate noted, it is not the court's function to "reweigh the evidence nor substitute its own judgment for that of the ALJ." Report and Recommendation [Doc. #17, p.2]. See Hamilton v. Sec'y of Health & Human Servs., 961 F.2d 1495, 1498 (10th Cir. 1992)).

The court, having reviewed the record and considered plaintiff's arguments, agrees with the magistrate judge's analysis and adopts her Report and Recommendation. Accordingly, the Commissioner's decision is **AFFIRMED**.

**IT IS SO ORDERED.**

Dated this 1st day of March, 2011.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup>For instance, plaintiff alleges the "ALJ did not give 'great weight' to Ms. Ridings opinions, . . . " and the "ALJ erred by failing adequately to consider Ms. Chaney's opinion." Plaintiff's Objection [Doc. #18].